

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for
EDCO Recovery & Transfer
SWIS No. 37-AA-0105
June 2, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the City of San Diego, Development Services Department – Solid Waste Local Enforcement Agency’s (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for EDCO Recovery & Transfer, located in the City of San Diego, owned by Burr Properties and Cavadias Properties, and operated by EDCO Disposal Corporation. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff’s analysis, findings, and recommendations.

The proposed permit was initially received on April 17, 2014. New proposed permits were received on May 9, 2014 and May 22, 2014. Action must be taken on this permit no later than July 21, 2014. If no action is taken by July 21, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes:

The following changes are being proposed:

1. Revisions to the following sections of the SWFP: “Findings,” “Documents,” “Self-Monitoring” and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying; and
2. Submittal of a revised Transfer/Processing Report (TPR), dated January 2014, to reflect the updates and current operating conditions.

Key Issues:

The proposed permit is being modified to update outdated references in the permit, and incorporate the updated TPR, which was revised to correct grammatical and typographical errors, and describe current operating conditions. Changes in the floor plan design and operations include the addition of an above ground fuel tank, configuration of receiving bays, bin storage, universal and hazardous waste storage, and traffic patterns. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter, dated April 17, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on December 6, 2013. The LEA provided a copy to the Department on December 12, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on May 22, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 17, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in their memorandum dated May 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 30, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 17, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on May 30, 2014, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer/processing facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2009 to 2014 (May) - No violations were noted in the past five years.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes in the proposed permit include updating outdated references, along with other changes in the Findings, Documents, Self-Monitoring and Conditions sections of the permit. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation.

A Negative Declaration (ND), State Clearinghouse (SCH) No. 2003071067, was circulated by the City of San Diego, acting as Lead Agency, from July 11, 2003 through August 11, 2003. The ND analyzed an increase in peak daily tonnage from 750 tons per day to 1500 tons per day, transfer trucks must leave the transfer station by 3:30 pm, and an increase in peak traffic volume from 160 vehicles per day to 720 Passenger Car Equivalent Vehicles. The Lead Agency adopted the ND on August 27, 2003, finding that no significant unmitigatable environmental effects arose from the project, and a Notice of Determination was posted by the County Clerk on September 8, 2003.

The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the existing environmental documents and will file a Notice of Exemption, pursuant to 14 CCR Section 15301, Categorical Exemption, Class 1 – Existing Facilities following the issuance of the modified SWFP. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Department staff conducted a Preliminary Review to determine if a Categorical Exemption is adequate for the Department's concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 20, 2014. No comments have been received by Department staff.